



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 12, 2000

To: Tank Vessel Owners and Operators, and Interested Parties

Re: Enforcement of Chapter 317-21 of the Washington Administrative Code (WAC) - Tank Vessel Prevention Plans

On March 6th of this year, the U.S. Supreme Court issued its decision in U.S. v. Locke, et al., ___ U.S. ___, 120 S.Ct. 1135 (2000), and held a portion or all of four rules in chapter 317-21 WAC preempted by federal law. The Court remanded the remaining rules challenged by the lawsuit to determine whether they are also preempted.

We have determined that further litigation of this matter is not in the best interests of Washington State citizens nor helpful in achieving our goal of providing the best achievable protection of our marine environments. For these reasons, we have begun the process to repeal all of the rules that are the subject of the lawsuit filed by the Independent Tanker Owners Association (Intertanko).

At the same time, effective immediately, we are suspending enforcement of the entire chapter 317-21 WAC. This suspension will remain in effect until new rules are adopted that comply both with our mandate from the Washington State Legislature and the constitutional framework set forth by the Supreme Court.

Suspending enforcement means that tank vessel owners and operators are no longer required to comply with the requirements in chapter 317-21 WAC. The Department of Ecology will, however, develop a voluntary program for tank vessel owners and operators. For those who opt into the program, Ecology will provide assistance in improving their vessel operation, training and management policies, procedures and practices.

The repealed and suspended rules attempted to achieve the best protection of the state's marine environments from harm caused by tank vessel oil spills. They represent three years of work with industry and others to identify the best, yet achievable, standards of operation, training and management for tank vessels.

We commend owners and operators who obtained approved prevention plans under our rules. We ask all who sail our waters to continue working with us to sustain our unique marine environments.

A handwritten signature in dark ink, appearing to read "Joe Stohr".

Joe Stohr
Program Manager
Spill Prevention, Preparedness, and Response
Department of Ecology

